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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

Robert Evans Mahler,

Case No. 3:23-cv-1833-AR

Plaintiff,

Affidavit In Support Of
Plaintiff's Complaint

v.

Jindi Ou, Steady Stream, Inc.,
Mizumi Buffet; Lucy Chen;
DOES 1 -10,

Defendants

Affidavit

STATE OF OREGON)
)
) ss.
COUNTY OF MARION)

I, Robert E. Mahler being duly sworn on oath, depose and say:

1. I am the Plaintiff, currently pro se, in the above entitled matter.
2. I have disabilities from advanced osteo-arthritis, left-sided hemiplegia as the result of a C-3 cervical fracture, vasovagal syncope, left and right knee implant prosthetics, and am a candidate for shoulder replacement surgery. As a result of my disabilities, I have used a service dog for over 15 years.
3. Defendants are food service providers, providing buffet services in Oregon at the time of the civil right violations. All employees/agents/associates/DOES 1-10, of Defendants Jindi Ou, Steady Stream, Inc., Mizumi Buffet restaurant, and Lucy Chen, were acting within the scope of that employment/agency/associate relationship, when they failed to follow the applicable standard of civil rights care and attention during their treatment of me on or about March 4, 2022. Defendants were in charge at the times I was injured.

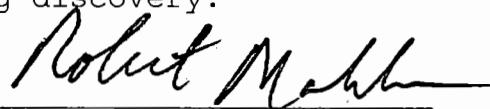
4. On March 4, 2022 I was ordered to leave Mizumi Buffet by Lucy Chen. The reason Ms. Chen gave me was that my service dog, Guliet, was not allowed to accompany me in Mizumi's restaurant. A Mizumi customer witnessed Lucy Chen ordering me to leave the restaurant because I had my service dog, Guliet, with me. The witness told Ms. Chen that I could have a service dog with me in her restaurant. I also told Ms. Chen about the Federal ADA law that allows me to have my service dog with me at her restaurant. Ms. Chen would not relent and again ordered me to leave. I gave the witness information to attorney Leonard Berman. Mr. Berman was helping me with this case but has since withdrawn from this case. Mr. Berman has the witness' details.

5. I am protected by the ADA as I am a person with a "disability" as that term is defined by the statute; 42 U.S.C. § 12102(2)(a). I have "physical or mental impairment(s) that substantially limit one or more of my major life activities". I own and use a service dog defined in 5 U.S.C. 301; 28 U.S.C. 509, 510, 42 U.S.C. 12186(b) and we are protected by the ADA.

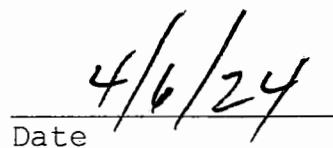
6. On March 4, 2022, Defendants were required to provide, after seating me, the proper treatment, civil rights, and food service. As a result of not being allowed meal service, and ordered to leave the premises, because of my service dog, I was physically and psychologically harmed and my civil rights were violated.

7. That as a direct and proximate result of the breach of the applicable standard of civil rights by all defendants, I have suffered the following harms: 1) suffered conscious pain and suffering, 2) suffered mental and emotional anguish, and 3) has sustained other damages.

8. I am entitled to recover damages from defendants jointly and each of them based on the theories of liability hereinafter enumerated in Counts I through 5 of my Complaint, and under such other theories of liability as may be appropriate based upon the facts as alleged herein or as revealed during discovery.



Robert Mahler

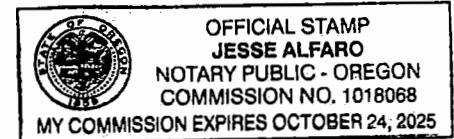


Date

Subscribed and sworn to before me on this 6th day of April, 2024.



Notary Public of the State of Oregon



CERTIFICATE OF SERVICE

I, the undersigned Plaintiff, certify that the foregoing are exact and complete copies of Plaintiff's Answers To Defendant's First Set Of Interrogatories, Plaintiff's Responses To Defendant's First Request For Production Of Documents, and Affidavit In Support Of Plaintiff's Complaint, Case No. 3:23-cv-1833-AR, mailed to the following:

Lucy Chen
13034 SW Brianne Way
Tigard, OR 97223

Mizumi Buffet
13599 SW Pacific Hwy. #17
Tigard, OR 97223

Jindi Ou
18700 SE 11th St.
Vancouver, WA 98683

Steady Stream, Inc.
13599 SW Pacific Hwy. #17
Tigard, OR 97223

Geordie Duckler
831 SW Hume St.
Portland, OR 97219

Pam Geringer
Courtroom Deputy Clerk
Mark O. Hatfield U.S. Courthouse
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Portland, OR 97204

Clerk of Court
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4/10/24
Date